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Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Identical letters dated 11 January 2017 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General and the President of the Security Council

In connection with the open debate of the Security Council on an important and timely topic of conflict prevention and sustaining peace, which was convened at the commendable initiative of the Swedish presidency on 10 January 2017, and further to the statement made by the delegation of the Republic of Azerbaijan at the debate, I would like to bring to your attention the following.

The Republic of Azerbaijan highly appreciates and fully supports the Secretary-General's appeal for peace issued on 1 January 2017. Azerbaijan will be an active and strong partner genuinely contributing to joint efforts towards making 2017 a year for peace.

The principle of the peaceful settlement of disputes is one of the cornerstones of the Charter of the United Nations and the international legal order. Its primary objective is to commit States to respect each other's sovereignty, territorial integrity and political independence, and refrain in their international relations from the threat or use of force.

International law requires not just an outcome in preventing or resolving conflicts, but that such an outcome be accompanied by a process that is consistent with particular norms. It is important that conflict prevention and conflict settlement frameworks and mechanisms not be used as a tool to entrench the situation achieved as a result of aggression and ethnic cleansing and promote solutions that are a priori illegal. Attempts to impose or encourage such solutions will fail to provide the foundations necessary for sustainable peace and long-term stability.

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As a matter of priority, special attention should be given to the implementation of resolutions adopted by the principal organs of the United Nations, in particular those relating to the peaceful settlement of disputes and the prevention and resolution of conflicts.

It is also important to underline the role of the rule of law in establishing a stable and durable peace. The imperative of shedding light on real facts and combating impunity is undeniable.

Such efforts must be free of selectivity and politically motivated approaches, however difficult or even unrealistic that may seem. Indeed, the harsh reality is that where the political interests prevail and the unity of purpose in a global sense is absent, international law and any commitments become ineffective. As practice shows, double standards in the application of the principles guiding inter-State relations contribute to instability and obstruct the effective preventive measures.

Azerbaijan's consistent position with regard to the issue under consideration is well known and stems from its keen interest in contributing to the achievement of sustainable peace in our region and worldwide, as well as from our practical experience of facing armed aggression, violent separatism, foreign military occupation and ethnic cleansing.

The continuing aggression by Armenia against Azerbaijan has led to the seizure of a significant part of Azerbaijan's territory, including the Nagorno-Karabakh region, the seven adjacent districts and some exclaves, claimed the lives of tens of thousands of people, ruined cities and livelihoods and resulted in the forcible expulsion of more than 1 million Azerbaijanis from their homes and properties. Serious violations of international humanitarian law amounting to war crimes, crimes against humanity and acts of genocide were committed in the course of the conflict.

The coming month will be marked by the twenty-fifth anniversary of the atrocious crime committed by the Armenian armed forces and their affiliates against the civilians and defenders of the town of Khojaly, situated in the Nagorno-Karabakh region of Azerbaijan. What happened in Khojaly in February 1992 was the largest massacre in the conflict. The capture of the town involved the brutal killing of hundreds of Azerbaijanis, including women, children and the elderly, and thousands of civilians were wounded and taken hostage, many of whom remain missing, while the town was razed to the ground.

In 1993, the Security Council adopted its resolutions 822, 853, 874 and 884, in which the Council condemned the use of force against Azerbaijan, the occupation of its territories, attacks on civilians and the bombardment of inhabited areas. In those resolutions, the Council reaffirmed respect for the sovereignty and territorial integrity of Azerbaijan, reconfirmed that the Nagorno-Karabakh region is an integral part of Azerbaijan and demanded the immediate, full and unconditional withdrawal of the Armenian occupying forces from all the occupied territories.

Insofar as Sweden is currently presiding over the Security Council, I would like to recall the visit in October 1993 of the then Minister for Foreign Affairs of Sweden, Baroness Margaretha af Ugglas, to the three South Caucasus countries, in her capacity as Chairperson of the Conference on Security and Cooperation in Europe (CSCE) Council. At the arrival in Yerevan on 26 October 1993, she made a

statement, underlining that the acquisition of territory by force can never be condoned or accepted as a basis for territorial claims.[1] In the subsequent report on the outcomes of the visit, the Chairperson of the CSCE Council particularly emphasized the unconstructiveness of the Armenian side and expressed grave concern at the unacceptable scorched earth policy practiced by its armed forces.[2]

At the very time when there was a real possibility of halting the bloodshed, saving the lives of thousands of people and investing in development and prosperity, Armenia continued its annexationist policy.

Very little, if any, has changed since then. The Security Council's principled demands have still not been implemented, and the mediation efforts conducted for almost 25 years within the Organization for Security and Cooperation in Europe have yet to yield results.

Armenia persistently refuses to start meaningful peace negotiations, obstructs the conflict settlement process, regularly resorts to various provocations to escalate the situation in the conflict zone and tries to consolidate the current status quo.

The only way to achieve a durable and lasting solution is to ensure the immediate, complete and unconditional withdrawal of the Armenian armed forces from the Nagorno-Karabakh region and the other occupied territories of Azerbaijan. That is what international law and the Security Council demand.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under the agenda items 32 and 37, and of the Security Council.

(*Signed*) Yashar **Aliyev**
Ambassador
Permanent Representative

[1] CSCE Communication No. 284, Prague, 26 October 1993.
[2] CSCE Communication No. 301, Prague, 19 November 1993.